

CTV 06-1 comments



MASSACHUSETTS MUNICIPAL ASSOCIATION

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September 13, 2006

Ms. Andrea Nixon
Clerk, Cable Television Division
Department of Telecommunications and Energy
One South Station
Boston, MA 02111



VIA HAND DELIVERY

Re: Docket No. CTV 06-1

Dear Ms. Nixon,

The Massachusetts Municipal Association would like to thank the Cable Division of the Department of Telecommunications and Energy for its efforts to solicit comment and input throughout the rulemaking process on Docket No. CTV 06-1, the Verizon petition to amend the rules and regulations governing the cable television licensing process.

It is clear that the opposition to this ill-advised petition is strong and widespread, as evidenced by the overwhelming volume of comments submitted opposing the petition, as well as the unprecedented turnout of public officials at the August 16, 2006 public hearing.

In written and oral testimony, local officials from cities and towns across the Commonwealth have fully documented their support and enthusiasm for increased competition in the cable television services marketplace. Under the well-known and time-tested process that has been in place for nearly three decades, Mayors, City Councillors, Selectman, Managers and other dedicated local officials are responsible for ensuring that all of the residents of their communities benefit from a franchise license, through a comprehensive negotiation process that results in agreements for non-discriminatory network build-outs that are timely and complete, and that safeguard the public interest, including accountability for the proper care and repair of public rights-of-way, securing adequate public, education and government programming for their residents, and the appropriate wiring of public buildings and schools, among many important issues.

As stated by MMA and many others in written and oral testimony, local officials support increased competition, and we believe that the current process is designed to ensure that competition is fair for the consumer, the public and the taxpayer. Verizon's proposal to limit the local process to 90 days would undermine the proper balance that is in place now, and prevent cities and towns from ensuring fairness and equity. It would be impossible for a 90-day process to provide enough time for application review, negotiation, license drafting and issuance, especially in light of the many questions of first impression and complex issues raised by the non-standard terms and conditions commonly reported to be included in Verizon-proposed cable license applications.

By way of example, local officials have nothing but praise for your Department's efficient, timely and comprehensive review of the Verizon petition, which was filed on March 16, 2006. As you enter the final stages of your rulemaking, every day of the past six months has been necessary and valuable to your review, as will be the days and weeks ahead, as you evaluate the many important public policy considerations at stake. Arbitrarily shortening your review period would not improve the results or your ultimate disposition of this matter. As a public agency, you need adequate time and resources to fulfill your mission.

It is important to note that the current process has not been a barrier to competition for other entrants into the marketplace. A franchise has been awarded in every community that competitors such as RCN have approached. This is further proof that the current timeline and regulations provide a more than adequate framework for companies that are willing to sign agreements that commit to standard conditions of accountability and service to the community and all its residents.

On August 23, 2006, the Department issued a notice to interested persons soliciting specific comments on a number of questions related to your review. In response to that inquiry, we support, endorse and commend your attention to the reply comments submitted by 26 Massachusetts municipalities, the Northeast Region and the Massachusetts Chapter of the Alliance for Community Media and five access centers, submitted via William August and Peter Epstein.

In addition, we would like to take this opportunity to thank DTE Chair Judson and Director Tatarka for their attendance at the September 12th Local Government Advisory Commission meeting, at which this matter was discussed with the Lieutenant Governor of the Commonwealth. At that time, it was suggested by the Lieutenant Governor that if requested, the Department may consider allowing additional comment time if the MMA or local officials wished to counter Verizon's petition with alternative changes to the current franchising process. After consideration of the matter, we wish to convey our appreciation for this suggestion. Yet, it is our feeling that the current process and framework has worked well and should remain in place. We believe that the current framework allows municipalities and applicants adequate time and appropriate flexibility to negotiate agreements that are in the public interest, protecting both consumer and public rights, and the ability of competitors to enter the marketplace. Of course, local officials and the MMA are always willing to meet with the Department and with the service providers to discuss mutually agreeable ways to improve the franchising process, but the Verizon petition would undermine, not improve the process, and is not a basis for negotiation or consensus-building.

We respectfully request that DTE reject the petition, and allow cities and towns from across the Commonwealth to decide what is best for the citizens of each individual community.

Thank you for your time. If you have any further questions, please do not hesitate to contact me.

Sincerely,



Geoffrey C. Beckwith
Executive Director